

Mayor Bill Seuell called the meeting to order at 7:00 p.m. Also present were Councilmembers Mary Cooper, Kay Carlquist, Jim Berger and Robert Jurca along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

Item J., Shops-At-Delta Sketch Plan was removed from the Agenda at the request of the applicant.

Minutes

It was moved by Councilmember Berger and seconded by Councilmember Jurca to approve the minutes of the meetings of May 1, 2007 as submitted by the Deputy Clerk. All in favor, motion carried.

Citizen Comments

Jean Lemon commented about the Police Department.

Financial Report

Finance Director Tod DeZeeuw presented the monthly financial report for the period ending April 30, 2007.

Resolution #8, 2007; Transfer of Certain Real Property To The County of Delta In Connection With The UPRR Re-Alignment

Assistant City Manager Steve Glammeyer introduced Resolution #8, 2007 for the transfer of property obtained by the City to the County. The property was acquired during the railroad re-alignment project for use of right-of-way for Graff Road, a county road. Mr. Glammeyer answered questions from Council.

RESOLUTION #8, 2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO, APPROVING THE TRANSFER OF CERTAIN REAL PROPERTY TO THE COUNTY OF DELTA, COLORADO IN CONNECTION WITH THE RAILROAD REALIGNMENT

was read by the Deputy City Clerk.

It was moved by Councilmember Berger and seconded by Councilmember Carlquist to approve Resolution #8, 2007 as presented. Roll call vote: Councilmembers Berger, aye; Jurca, aye; Carlquist, aye; Cooper, aye; Seuell, aye. Motion carried.

3.2% Beer License Renewal: Pizza Hut

The Deputy City Clerk reported that the renewal application is in order and all the renewal fees have been paid. The Police Department reported no problems with the applicant during the past year and recommended approval of the renewal.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the 3.2% beer license renewal application for Pizza Hut. All in favor, motion carried.

Regular Meeting, Delta City Council May 15, 2007 cont.

Carter Burgess WWTP Contract Extension

Utilities Director Mathews requested that the current contract with Carter Burgess be extended. The City initially contracted with them in October 2006 to look at the 5-year Capital Improvement program, start the design process for 2007, and to help us work through the grant process. City Staff feels very comfortable working with this company and is recommending continuing to use the engineering services of Carter & Burgess to finish the design, bidding, and engineering oversight of sewage headworks improvements at the plant. Mr. Mathews answered questions from Councilmembers.

It was moved by Councilmember Berger and seconded by Councilmember Cooper to amend the current contract with Carter & Burgess to include the final design, bidding and construction administration of headworks improvements at the Wastewater Treatment Plant for a lump sum fee of \$21,500. All in favor, motion carried.

Hellman Chevrolet Request

City Manager Sloan stated that this request had been submitted to Council at the last Council meeting. Tim Hellman had addressed the Council to find a way to place a sign on a pole at the location of his body shop. Staff was instructed that night to come back after further research to see if anything could be done. At present, signs over city right-of-way are only allowed in the B-1 District. Hellman Chevrolet is located in a B-2 District. In order to allow this sign at this location, the Code would have to be changed or the zoning for Hellman Chevrolet would need to be changed. Mr. Hellman had stated that there is no procedure for asking for a variance and requested that the code be changed to allow a procedure to request variances for this type of situation. Staff recommended that this not be done since there are only certain reasons for a variance to be allowed and those are usually very strict. City Staff recommended that no change be made to the Sign Code to allow a special use for an individual or company.

City Attorney Schottelkotte talked about the variance procedure that only applies to Title 17. Council discussed the issue.

With no further comments, it was moved by Councilmember Berger and seconded by Councilmember Carlquist no change be made to the City Sign Code that would allow an individual or individual company to deviate from the existing rules. All in favor, motion carried.

Ordinance #15, 2007; Second Reading; Amending Requirements for Security for Completion of Subdivision Improvements

Mr. Black stated that City Council reviewed and approved first reading at their May 1st meeting. Staff is recommending that Council approve amending requirements for security for completion of Subdivision improvements. Mr. Black answered a question from Council.

Ordinance #15, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO
REPEALING AND RE-ENACTING SECTION 16.04.080
OF THE DELTA CITY CODE TO AMEND REQUIREMENTS
FOR SECURITY FOR COMPLETION OF SUBDIVISION
IMPROVEMENTS.

was introduced as Council Bill #15, 2007 and read by the Deputy City Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to adopt Council Bill #15, 2007 on second and final reading. Roll call vote: Councilmembers Berger, aye; Jurca, aye; Carlquist, aye; Cooper; aye; Seuell, aye. Motion carried. Council Bill #15, 2007 was adopted on second and final reading as Ordinance #15, 2007.

Regular Meeting, Delta City Council May 15, 2007 cont.

Delta Urban Renewal Authority

Lease with Chamber of Commerce for Building at 301 Main Street

Mayor Seuell recessed the regular meeting at 7:26 p.m. and convened as the Delta Urban Renewal Authority (DURA).

City Manager Sloan explained that the Delta Urban Renewal Authority (DURA) is owner of the Chamber building. City Council as a whole was appointed as the Board of Commissioners of the Delta Urban Renewal Authority. Staff recommended the lease be renewed, but with a reversion clause that if the Chamber ever would sell the property for a profit, that it would revert back to DURA. Staff also recommended a shorter lease term, 5 or 10 years. The bonds that were issued to renovate this building required that the building remain as a public facility. The intent of Chamber, according the Brian Cambridge, Executive Director of the Chamber, is to keep it as a public building.

Staff asked about a lease with Delta Area Development (D.A.D.I.). Mr. Cambria stated that D.A.D.I. does have a sublease and pays rent. The rent is minimal and mostly covers the cost of maintaining that area of the building.

Answering questions from Council, Mr. Sloan noted that our costs for maintenance have been minimal. The Chamber of Commerce pays the utilities, and the City is responsible for maintenance on the outside of the building, Council also discussed the \$1.00 purchase option in the lease.

History of DURA and the building was discussed with Council agreeing that Staff would research and have more information for the next meeting. It was suggested to also contact the two people that had signed this original agreement, Mr. Robert Harding and Ms. Thelma Starnier, who were former directors of The Chamber of Commerce.

Mr. Schottelkotte answered a question pertaining to the lease, stating that it is the Chamber's right if they would plan to purchase the building for \$1.00 at this time instead of renewing the lease or reaching an agreement. The Chamber would then be responsible for all costs associated with the building.

Discussion took place among the Commission regarding the shape and integrity of the building, issues that the Chamber of Commerce may not be able to fund, a good impression needed for the Visitors' Center as an asset for Delta, what would be best for the purpose of grant writing, concerns if the Chamber would sell the building, and general discussion regarding a consensus for direction.

Jean Lemon spoke on behalf of the Chamber of Commerce.

Brian Cambria commented on the current contract referring to paragraph 6, in that DURA has not had much cost regarding repair over the years through 1997. The roof does need repair since it has a leak after the 100-year storm and noted other repairs needed to be looked at after we decide the ownership of the building. He noted that a Historical Architect is working with the Chamber to assess integrity of the building. He stated that he would like to keep the status quo and recommended renewing the contract for another twenty years. He shared a draft contract.

Mr. Russ Tyler, President of the Chamber Board addressed the Council in support of renewing the contract for another twenty years.

With advise from the City Attorney to further investigate history of DURA to find the piece of information regarding how long DURA has been in existence and what the intentions of DURA was through history, it was moved by Councilmember Cooper and seconded by Councilmember Berger to table the lease with the Chamber of Commerce until the next meeting scheduled for June 5, 2007. All in favor, motion carried.

The Mayor reconvened the regular meeting at 7:55 p.m.

Regular Meeting, Delta City Council May 15, 2007 cont.

City Attorney Comments

Mr. Schottelkotte had no comments at this time.

City Manager Comments

Mr. Sloan reminded Council of the CML Outreach meeting scheduled from noon to 2:00 p.m. tomorrow at Bill Heddles Recreation Center.

The City Manager asked Mr. Black to give an update on the City's Comprehensive Plan and the status of Jennings Landing.

Comprehensive Plan – Mr. Black informed Council that Four Corners Planning & Design Group has kicked off the comp plan update and has started to contact the steering committee members, phone interviewing Planning Commissioners, and working with our GIS Department. They are planning to come back within the next week or two to follow up.

Jennings Landing – Applicants are needing to correct some items on the pre annexation agreement.

Mr. Sloan requested Council to consider an executive session tonight for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e); and for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

Councilmember Comments

Councilmember Berger informed that he had attended the interview session for the selection of the developer who will lead the Delta Housing Authority through the process of planning, financing, designing and constructing the workforce housing project that has been discussed over the last two months. Two firms were interviewed with the firm of MGL Partners of Denver being recommended by the board. It appears that the Housing Authority will apply to be included in the August 1, 2007 funding cycle for the project. If approved for funding by the State Housing Division, the project could be realistically completed by mid 2009. Mr. Berger has more information on this firm for anyone who may be interested. He also distributed the 2006 Annual Report to Council and the City Manager.

He will be attending the CML Policy Committee meeting this Friday in Denver and will bring back a summary of the 2007 legislative session.

He mentioned the 6-month evaluation of the City Manager that is scheduled for the June 5th meeting.

Councilmember Cooper stated that vacations are wonderful but it is good to be back in Delta.

Executive Session

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca at 8:04 p.m. to convene an executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e); and for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. All in favor, motion carried.

Regular Meeting, Delta City Council May 15, 2007 cont.

Executive Session cont.

The Mayor recessed the regular meeting and immediately convened the Executive Session.

At 8:42 p.m. the Mayor reconvened the regular meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Mary Cooper, Kay Carlquist, Robert Jurca and Jim Berger; along with City Manager Lanny Sloan, Assistant City Manager Steve Glammeyer and City Attorney Mike Schottelkotte. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated, and the regular meeting was immediately adjourned.

Patricia E. Vannest, Deputy City Clerk